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C O N F I D E N T I A L SECTION 01 OF 04 MADRID 000167

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EUR FOR DAS DAVID KRAMER AND COLIN FURST

E.O. 12958: DECL: 02/01/2017

TAGS: OSCE PREL PBTS MD RS UP SP

SUBJECT: TRANSNISTRIA: RUSSIANS WARN AGAINST PREMATURE
RESUMPTION OF 5-PLUS-2 TALKS

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Classified By: DCM Hugo Llorens for reasons 1.4 (b) and (d)

¶1. (U) January 25, 2007; 11:30 a.m.- 6:00 p.m.; Ministry of
Foreign Affairs, Madrid, Spain.

¶2. (U) Participants:

Observers

United States - DAS David Kramer

European Union - Amb. Adriaan Jacobovits, EU Special
Representative

Mediators

Ukraine - Deputy FM Andriy Veselovsky

Russian Federation - Amb. Valeriy Nesterushkin, Special Amb.
for Transnistria

OSCE - Amb. Louis O'Neill, Head of Mission to Moldova

Chair in Office

Spain - Jose Maria Pons Irazazabal, DG for Europe and North
America

Amb. Jose Angel Lopez Jorrin, Coordinating Ambassador for
Spanish OSCE CIO

Amb. Fernando de Galainena, Special Ambassador for OSCE
"frozen conflicts"

¶3. (C) SUMMARY: In a January 25 meeting in Madrid, representatives of the 3-Plus-2 (Russia, Ukraine, the OSCE plus the U.S. and EU) on the Transnistria conflict agreed to invite the Moldovans and Transnistrians to a full-fledged 5-Plus-2 meeting on February 15-16. This would be the first 5-Plus-2 meeting since the Transnistrians announced their boycott over the introduction of strict Ukrainian-Moldovan customs rules in March 2006. Russian envoy Nesterushkin warned that the Smirnov regime would reject the invitation, thereby "destroying" the 5-Plus-2 process. Transnistria, he claimed, had no intention of returning to negotiations until after resolution of the Kosovo final status question; the "Kosovo precedent" would allow the separatists to return to the table with "quite different intentions." Nesterushkin offered a thinly-veiled threat that the EU and the U.S. might not be invited to participate in future Transnistria negotiations if the 5-Plus-2 process broke down. As Spanish Chairman-in-Office, Director General Pons expressed Spain's commitment to the Transnistrian settlement but promised that Spain would not propose a new direction for the talks. END SUMMARY.

KRAMER CITES TIRASPOL'S INTRANSIGENCE

¶4. (C) DAS Kramer expressed hope that the 5-Plus-2 could move forward in 2007 but noted that 2006 had not seen nearly enough progress. He noted that, unlike Chisinau, Tiraspol did not want to meet and had no interest in talking to the Moldovans. He therefore said that Moldova was right to approach the Russians directly. O'Neill concurred, noting that he had recently met with Transnistrian "foreign minister" Litskai, who had told him that he would not meet with Moldovan Reintegration Minister Sova under any conditions.

CIO OFFERS SPANISH EXPERTISE

¶5. (C) DG Pons expressed the Spanish view that the final outcome of negotiations should respect the sovereignty and territorial integrity of Moldova. The ultimate fate of Transnistria, he added, rested with Moldova. Pons objected to the term "frozen conflict," saying it implied that parties could live with the frozen state; it failed to make clear that such situations are unacceptable to the parties and carry with them a cost. As evidence of Spain's credentials in territorial disputes, he offered Spanish expertise to the mediators on the success of decentralization and made reference to the recent agreement with the United Kingdom on confidence and security building measures (CSBMs) in Gibraltar. Pons suggested that CSBMs may be necessary to resume the 5-Plus-2 talks and asked the mediators what Spain could do to help.

UKRAINE OPTIMISTIC ON 2007

¶6. (C) Deputy FM Veselovsky expressed optimism that the Madrid talks, coming as they did in early 2007, meant that something positive might be accomplished by the end of Spain's OSCE presidency. He said that clear beacons had been

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set by both parties to the conflict, and there was general agreement on how best to proceed. Ukraine hoped that the 5-Plus-2 could resume quickly, and Veselovsky saw no obstacles to reconvening the negotiations in the near future, either with the unfinished previous agenda or an entirely new agenda. He also noted that Russian President Putin had called for the resumption of talks during a visit to Kyiv. Veselovsky said that the mediators had already made good progress on some CSBMs such as the railway issue and Transnistrian export of some agricultural products. He suggested that work on integrating the two banking systems as well as ending extortion at the administrative border between Moldova and Transnistria could be areas for mutual confidence building.

DESTRUCTION OF THE 5-PLUS-2?

¶7. (C) Nesterushkin said resumption of the talks might have been possible in 2006 if not for objections to Transnistria's proposed transit protocol. However, now that Transnistria had resolved some of its economic problems and Kosovar independence was on the horizon, the separatist regime could live with the current situation. Nesterushkin warned that although the observers were ready to resume negotiations, the parties to the conflict were not. He stressed the need to keep Transnistria in the 5-Plus-2 and to make the two sides talk. Jacobovits replied that if the three mediators were to agree to ask the parties to return to negotiations, it would be difficult for them to refuse. Nesterushkin objected, saying that such a plan would be doomed to failure; Litskai did not have Smirnov's permission to return to negotiations and therefore an invitation would only prove the powerlessness of the 3-Plus-2 and jeopardize the 5-Plus-2 process. Kramer and Jacobovits pointed out that the 5-Plus-2 had not accomplished anything in almost a year, and they therefore had nothing to lose. Kramer added that informal

inquiries had yielded no success and would continue to fail, so a formal invitation was the proper way to proceed. Nesterushkin became increasingly agitated and asked why the observers would want to destroy the 5-Plus-2. He suggested that if the negotiations were to collapse completely, the U.S. and the EU would surely not get a seat at the table at any future negotiations. The Transnistrian leadership, he concluded, did not see the need for the 5-Plus-2 and felt that Moldova and Transnistria could resolve their differences in Moscow.

THE BASQUE MODEL?

¶ 18. (C) Nesterushkin next pointed to Spain's ongoing internal debates and negotiations on balancing local nationalist desires with the need to preserve its territorial integrity. By contrast, he alleged that Chisinau preferred to negotiate with Moscow rather than negotiating with their "countrymen" in Tiraspol. However, he cited the autumn restoration of rail service between Moscow and Tiraspol as an example of Russian and Ukrainian success in the region and criticized Moldova for "not trusting" the Transnistrians to secure Moldovan trains, which take a circuitous route from Chisinau to Moscow bypassing Transnistria.

MOLDOVA'S COMPREHENSIVE PLAN

¶ 19. (C) Kramer noted that the Moldovans had offered a comprehensive plan that deserved to be discussed. The plan was significant as it represented the first effort at settlement by a party to the conflict; as such, it would be an excellent tool to resume negotiations. Should the 3-Plus-2 agree to meet again, he proposed that such a meeting ought to include the Moldovans; they should not be punished through exclusion from future meetings by Transnistrian intransigence. Veselovsky and Jacobovits agreed that the Moldovan paper was a serious proposal worthy of debate. Jacobovits added that if the mediators agreed that the plan was serious, then there was no reason not to take it to the 5-Plus-2. Jacobovits observed that several plans already existed and that additional plans were not needed. He also cautioned against looking to a federal solution or to the autonomy plans of other nations such as Spain or Belgium for possible solutions, since Transnistria posed a unique problem. Nesterushkin refused to give his views on the Moldovan paper, saying that he was not authorized to discuss it as he had understood it was a confidential document. He did say it was "unrealistic," however, and claimed that the

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Moldovans had submitted several different versions to Moscow.

KOSOVO'S IMPACT

¶ 10. (C) Nesterushkin predicted that Tiraspol would delay its participation in the 5-Plus-2 until after resolution of the Kosovo status question. The "Kosovo precedent" would allow them to return to the negotiating table with "quite different intentions." O'Neill responded that the same questions of Kosovo, rail service, and the transit protocol had all been on the horizon in 2006; Nesterushkin's argument therefore seemed disingenuous. He complained that the goalposts for resumption of the talks keep being pushed back. Jacobovits noted that authorities in South Ossetia, Abkhazia, and Nagorno-Karabakh had previously renounced comparisons of their situations with Kosovo and expressed their wishes not to be associated with the Kosovo question. For that and other reasons, Jacobovits reiterated that the EU did not accept the idea of Kosovo as a precedent for Transnistria; Kramer agreed with Jacobovits.

VORONIN-SMIRNOV TALKS

11. (C) Veselovsky suggested that Moldova could make progress by sharing some of its 1.2 billion euros in EU donor funds with Transnistria. In response, Nesterushkin said that such financial enticements constituted "seduction" of Transnistria by Europe. He reiterated that Moldova needed to direct its negotiations toward Tiraspol and not Moscow. To that end, he recommended that the Ukrainian government arrange a bilateral meeting between Transnistrian "president" Smirnov and Moldovan President Voronin; no other figures in either government had the authority to make the necessary decisions.

Veselovsky interjected that Ukraine had already made such a proposal to Smirnov, who responded that if he were to attend a meeting with a foreign president, it would be as "President of Transnistria" and would be a "meeting of Presidents." O'Neill offered that Litskai had told him he was tired of small steps and wanted to deal with the final resolution of the conflict. O'Neill urged Russia to force Smirnov to send Litskai to the negotiating table.

AGENDA FOR PROPOSED 5-PLUS-2

12. (C) Attendees closed the meeting with a more amicable discussion of a possible agenda for a 5-Plus-2 meeting. Citing O'Neill's statement that the Transnistrians were tired of confidence building, Veselovsky suggested that the meeting could simply be an exchange of views followed by a discussion of the Moldovan proposal. Nesterushkin cautioned that asking the Transnistrians to share their views could be counterproductive, but added that he would enjoy watching these "embarrassing games" at such a meeting. DAS Kramer said he hoped that Nesterushkin would do more than sit on the sidelines in future talks. Kramer also proposed an informal discussion on internationalizing the peacekeeping forces in Transnistria.

13. (C) COMMENT: Throughout the day, Veselovsky was consistently successful in corralling Nesterushkin and bringing him along, including during the drafting of the 5-Plus-2 invitation letter which Nesterushkin reluctantly signed. Nesterushkin was himself mildly more agreeable than during previous meetings, perhaps in an effort to make a good impression with the Spanish chair. The Spaniards appeared somewhat caught off guard at first by the severity of the debate, but they warmed to the issue and handled the meeting with typical multilateralist charm and hospitality. At one point, however, when Pons presented the attendees with a draft meeting protocol in English, Nesterushkin lectured Pons on the established agreement that all official documents and meetings of the 5-Plus-2 be in Russian. Nesterushkin asked if Pons was trying to "break with precedent," at which point a shocked Pons assured him that Spain had no idea. Spanish diplomats then hustled admirably to round up Russian/English/Spanish speakers and a Cyrillic keyboard.
END COMMENT.

14. (U) DAS David Kramer cleared this message.

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<http://www.state.sgov.gov/p/eur/madrid/>

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